

Live-in Aide Criteria

The owner is encouraged to develop criteria for processing an/a applicant's/tenant's request for a live-in aide. The Minnesota Housing Finance Agency's review and approval is not required. A live-in aide may be considered when determining appropriate unit size (e.g. extra bedroom). If the aide moves out, an owner may require a tenant to move to a smaller unit if this is stated in the lease.

HUD requires that live-in aides meet the following criteria prior to being permitted to reside in the unit. A live-in aide:

- must provide essential care to or for the tenant,
- must not be obligated to support the tenant, and,
- wouldn't otherwise live in the unit except to provide essential care for the tenant. Owners should verify the need for a live-in aide. Documentation should be kept in the tenant file.

HUD regulations further require that the owner must screen the live-in aide for drug-abuse and other criminal activity. Expenses incurred for the criminal background check would be the responsibility of the live-in aide. A live-in aide may be rejected if there is a history of criminal activity involving the illegal use of a controlled substance, and/or, a history of criminal activity involving crimes of physical violence to persons or property, and/or, a record of other criminal acts which may endanger the health, safety or welfare of any tenant. Evidence of screening and the information obtained should be kept in the tenant file.

Live-in aides do not sign the lease but are required to sign a lease addendum/agreement. The lease addendum/agreement must state that the aide must vacate the unit when the tenant vacates. The lease addendum/agreement may also allow for eviction if the aide violates house rules. A sample Live-in Aide Agreement is at:

http://www.mnhousing.gov/idc/groups/public/documents/document/mhfa_006310.pdf

The lease addendum/agreement requires dated signatures of the tenant, live-in aide and the management agent.

Additionally, the Minnesota Housing Finance Agency recommends that the live-in aide:

- provide vehicle information; i.e. type, model, color, year and license number,
- provide a copy of their driver's license
- sign for the property's security key, unit key, etc., and,
- sign for the property's house rules.

The live-in aide's name must be reflected on the HUD form 50059, the Relationship Code listed as "L" and the Member Eligibility Code identified as "XX". A live-in aide does not need to declare his/her citizenship nor is citizenship status listed on the HUD form 50059.